



**CITY OF SUNNYVALE  
REPORT  
Administrative Hearing**

**May 10, 2006**

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**SUBJECT:**           **2006-0367 –Sports Combat Unlimited** [Applicant] **Brian Johnston** Application for a .754-acre site located at **649 Grape Ave** (near El Camino Real) in a C-2 (Highway Commercial) Zoning District.

Motion               Use Permit to allow a change of use from a retail tenant space to an Education Recreational and Enrichment use for martial arts instruction.

**REPORT IN BRIEF**

**Existing Site Conditions**           Vacant retail space in a small shopping center

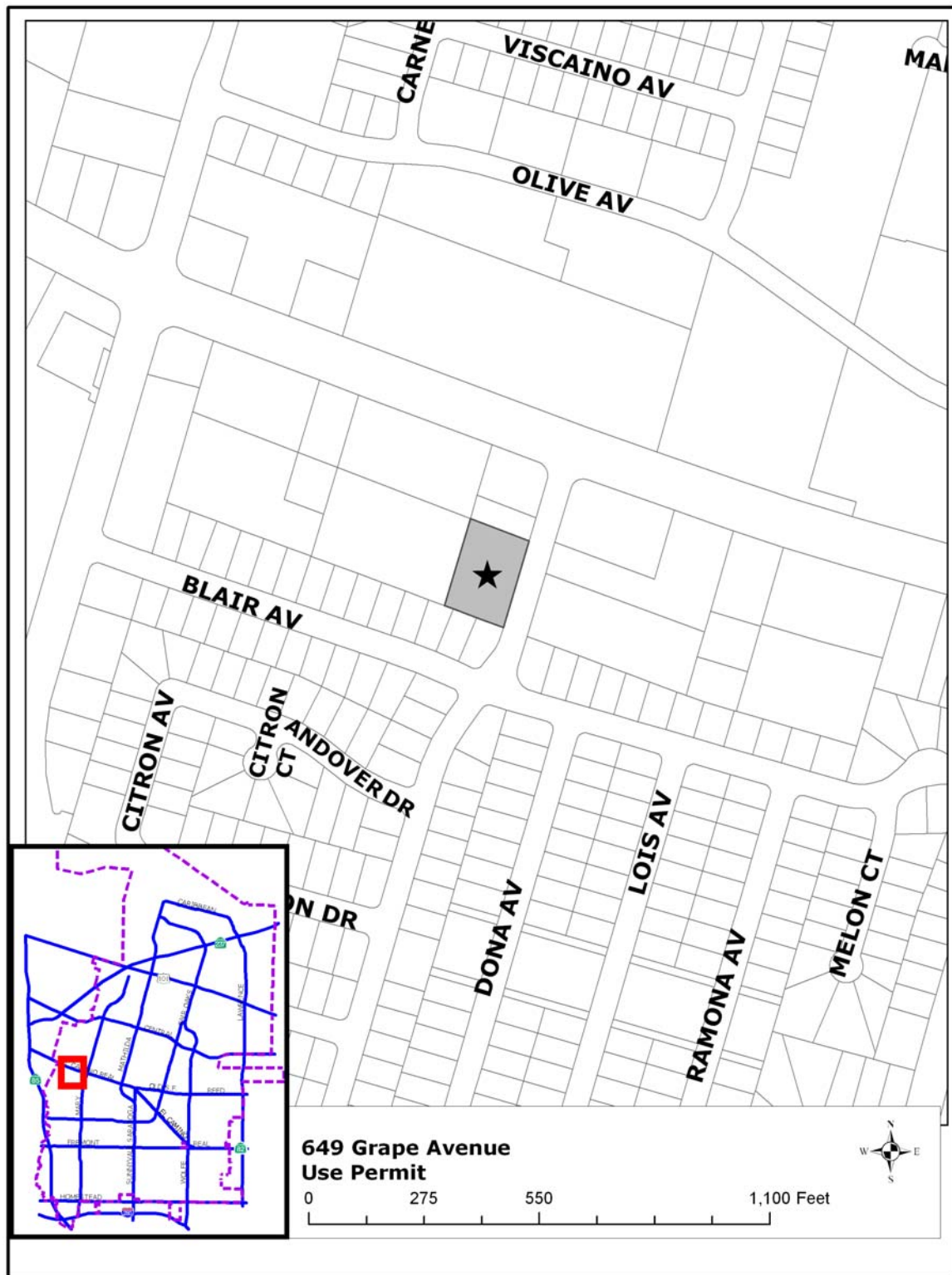
**Surrounding Land Uses**

North	Automobile Dealership
South	Single-family homes
East	Automobile Dealership
West	General Commercial

**Issues**                   Land use/Parking

**Environmental Status**           A Class 1 Categorical Exemption relieves this project from California Environmental Quality Act provisions and City Guidelines.

**Staff Recommendation**           Approval with Conditions



**PROJECT DATA TABLE**

	<b>EXISTING</b>	<b>PROPOSED</b>	<b>REQUIRED/ PERMITTED</b>
<b>General Plan</b>	Highway Commercial	Same	Commercial, Highway Commercial
<b>Zoning District</b>	C-2	Same	C-2
<b>Lot Size (s.f.)</b>	.75 acres	Same	None
<b>Gross Floor Area (s.f.)</b>	10,235	Same	11,650 max.
<b>Gross Floor Area of Tenant</b>	936	Same	N/A
<b>Lot Coverage (%)</b>	33	Same	35% max.
<b>No. of Stories</b>	1	Same	8 max.
<b>Parking</b>			
<b>Total Spaces</b>	69	Same	57 min.

**ANALYSIS****Description of Proposed Project**

The application is to allow the change of use from a former retail tenant space to martial arts instructional use in an existing commercial center. The space is currently vacant. The proposal does not include any exterior modifications to the site or building.

**Background**

The shopping center was originally approved in 1965 (1964-0133 ) as a small retail center with a small market at the south end of the building and eight in-line tenants. The permit was modified with a variance to allow a restaurant/bar in 1966 to allow for nine parking spaces where 33 required. Since that time a number of Use Permits have been requested for various uses with a number of permits denied based on parking and compatibility with neighbors to the south. No recent permits have been reviewed for the site since the denial of a Use Permit for live music in 1991. (1991-0182).

The City of Sunnyvale has recently ended a moratorium on educational, recreational, and place of assembly uses in commercial zones. The moratorium

is no longer in effect for commercial properties, but the criteria for reviewing the applications were adopted and included in this report (2005-0027).

### **Environmental Review**

A Class 1 Categorical Exemption relieves this project from California Environmental Quality Act provisions and City Guidelines. Class 1 Categorical Exemptions includes change of use.

### **Use Permit**

**Site Layout:** The shopping center is a small center with frontage and access from Grape Avenue. The parking is situated around the building including a double-loaded one-way angled parking arrangement in between the building and Grape Avenue. The proposed tenant space is located in the middle of the existing center.

**Use:** The proposed martial arts instruction use would be provided to both children and adults. The hours of operation are proposed from generally 3:00 P.M. to 9:30 P.M. Monday through Friday. Saturday hours would be from 9 A.M. to 12P.M. No activities on Sunday.

The current mix use in the shopping center is as follows:

<b>Tenant</b>	<b>Size</b>	<b>Parking Ratio</b>	<b>Parking Demand</b>
Cleaners	2288	1/180	12.7
Retail (medical supplies)	936	1/180	5.2
<i>Proposed Martial Arts</i>	936	<i>1/21 open area</i>	26.5
Beauty Store	936	1/180	5.2
Optical	936	1/180	5.2
Chinnese Rest.	936	1/110	5.2
Nail Now	1144	1/180	6.4
Bar (Beefy's Cabin)	1976	1/50	39.5

total 106 spaces

**Parking/Circulation:** Currently, the site meets the parking requirement for its mix of uses including the vacant space as retail. In addition, in 1966 a variance for the bar was approved that reduced its calculated demand to nine parking spaces. As shown above, there is currently a demand for 80 parking spaces without the martial arts use and 106 with the proposed use. Accounting for the previous variance changes the demand to 76 and 50 respectively. If the variance reduction is allowed to be utilized as part of the capacity requested by this permit there would be a parking space allowance of 19 spaces available for the site. The maximum allowable instructional area for

the proposed use would need to be limited to 350 square feet of the tenant space and a maximum class size of 15 students. Due to the majority of current mix of uses being oriented towards the evening hours there is little justification for using overlapping off peaks hours to justify the permitted use from Monday through Friday. Staff's lone visit to the site at 6:00pm on a weekday indicated reasonable use of the facilities (70%), but not 100% utilization. Without the use of the previous approved variance for the bar's calculated parking demand the proposed use cannot be approved without a concurrent variance to parking. The applicant has not requested a new variance to parking with this application.

**Compliance with Development Standards/Guidelines:** The zoning code requires that educational and recreation uses located in retail establishments not disrupt the flow of pedestrians between retail establishments. The proposed mix of uses is not pedestrian oriented shopping center with a mutually supportive combination of uses, furthermore the narrow tenant frontages (18 feet) allow minimal disruption in continuity when one use is closed during the normal daytime business hours.

The site currently is deficient in landscaping but due to the minimal change of use for the site no upgrades have been requested. The proposed use does not meeting the overall parking standard for the shopping center without the utilization of the 1966 variance and a restriction on class size. .

**Expected Impact on the Surroundings:** The proposed use will not cause a negative impact to the site or neighboring businesses. The use itself is in the center of the site and will not impact the adjacent residential use due to the fact that the adjacent bar is located closer to and operates long than the proposed use. Potential impacts to the area would be the impacts to on-street parking if there is insufficient on-site parking. Staff has not received any negative feedback from the immediate area concerning either the existing martial arts school, or the proposed use.

### **Fiscal Impact**

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No fiscal impacts other than normal fees and taxes are expected.

**Public Contact**

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<b>Notice of Public Hearing</b>	<b>Staff Report</b>	<b>Agenda</b>
<ul style="list-style-type: none"><li>• Published in the <i>Sun</i> newspaper</li><li>• Posted on the site</li><li>• 13 notices mailed to property owners and residents adjacent to the project site</li></ul>	<ul style="list-style-type: none"><li>• Posted on the City of Sunnyvale's Website</li><li>• Provided at the Reference Section of the City of Sunnyvale's Public Library</li></ul>	<ul style="list-style-type: none"><li>• Posted on the City's official notice bulletin board</li><li>• City of Sunnyvale's Website</li><li>• Recorded for SunDial</li></ul>

**Findings and General Plan Goals:** Staff was able to make the required Findings based on the justifications for the Use permit. Findings and General Plan Goals are located in Attachment A.

**Conditions of Approval:** Conditions of Approval are located in Attachment B.

**Alternatives**

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1. Approve the Use Permit with attached conditions.
2. Approve the Use Permit with modified conditions.
3. Deny the Use Permit.

**Recommendation**

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Alternative 1.

Prepared by:

Kelly Diekmann

Reviewed by:

Andrew Miner

Principal Planner

Attachments:

- A. Recommended Findings
- B. Recommended Conditions of Approval
- C. Applicant Materials

## **Recommended Findings - Use Permit**

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Goals and Policies that relate to this project are:

### **Land Use and Transportation Element**

**Policy N1.1** – *Protect the integrity of the City's neighborhoods; whether residential, industrial or commercial.*

**N1.1.1** *Limit the intrusion of incompatible uses and inappropriate development into city neighborhoods.*

**N1.1.4** *Anticipate and avoid whenever practical the incompatibility that can arise between dissimilar uses.*

**Policy N1.14** *Support the provision of a full spectrum of public and quasi-public services that are appropriately located.*

1. The proposed use attains the objectives and purposes of the General Plan of the City of Sunnyvale.

Finding Met: The proposed use is not disruptive to the existing uses within the shopping center or neighboring residential areas.

2. The proposed use is desirable, and will not be materially detrimental to the public welfare or injurious to the property, improvements or uses within the immediate vicinity and within the Zoning District.

Finding Met: The current shopping center operates below its maximum parking utilization and has previously had a variance granted to allow for more intense use of parking than is typical in the city. The proposed use is in the center of the building and operates with the businesses hours of other uses in the facility and will not be disruptive of the center or its neighboring uses.



**Recommended Conditions of Approval - Use Permit**

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In addition to complying with all applicable City, County, State and Federal Statutes, Codes, Ordinances, Resolutions and Regulations, Permittee expressly accepts and agrees to comply with the following conditions of approval of this Permit:

Unless otherwise noted, all conditions shall be subject to the review of approval of the Director of Community Development.

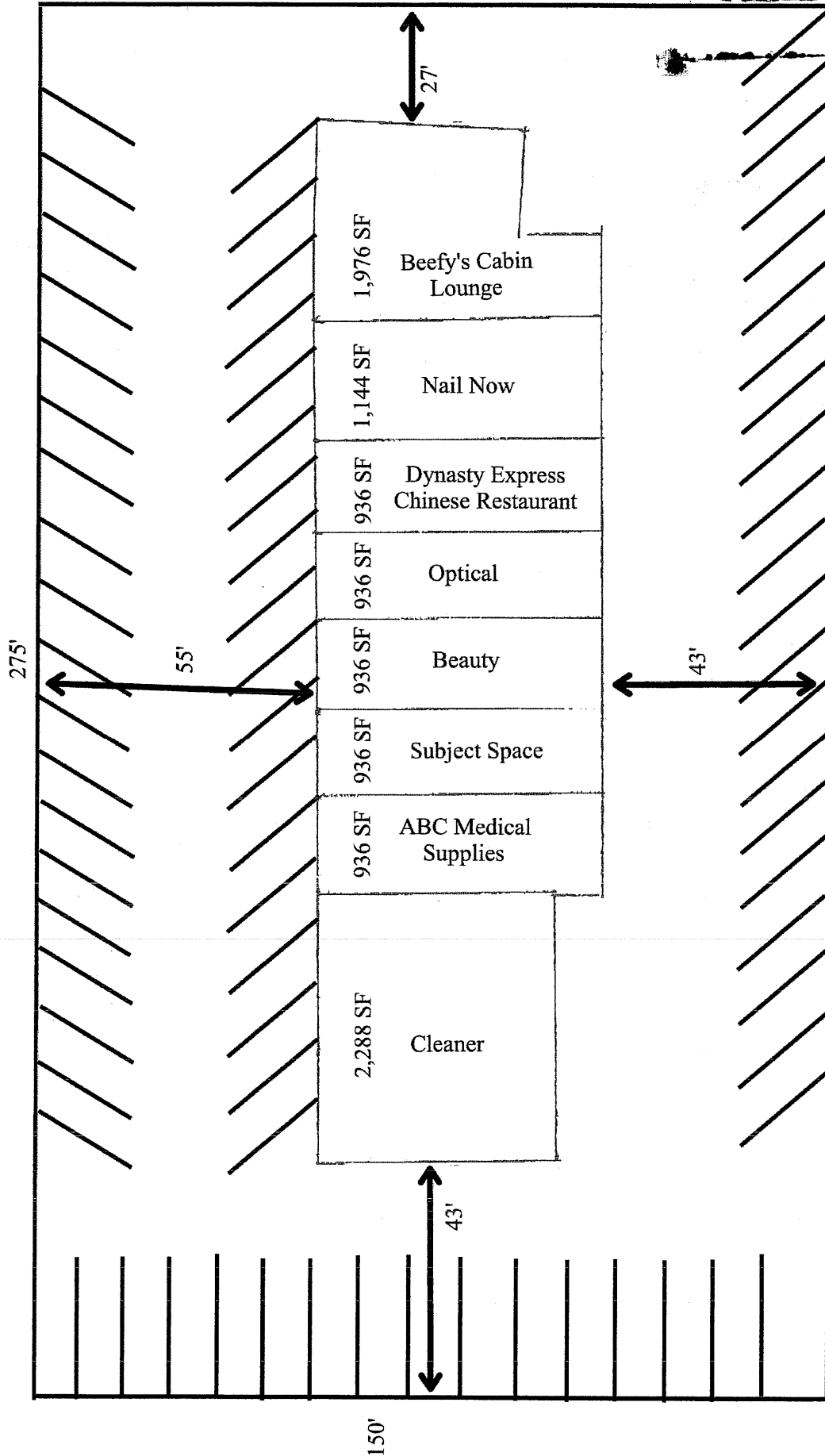
**1. GENERAL CONDITIONS**

- A. Project shall be in conformance with the plans approved at the public hearing(s). Minor changes may be approved by the Director of Community Development, major changes may be approved at a public hearing.
- B. The Use Permit for the use shall expire if the use is discontinued for a period of one year or more.
- C. The Use Permit shall be null and void two years from the date of approval by the final review authority at a public hearing if the approval is not exercised, unless a written request for an extension is received prior to expiration date.
- D. Any expansion or modification of the approved use shall be approved by separate application.
- E. The martial arts school hours of operation is limited to 3:00 P.M.- 9:30 P.M Monday through Friday and from 9:00 A.M. to 3:00 P.M. on Saturdays.
- F. The maximum number of students per class is limited to 15, and there is one class to be held in the subject space at one time.
- G. Class starting times are to be staggered by a minimum of 15 minutes to allow for pick up and drop off without for each class without overlap of patrons.

**2. SIGNS**

- A. All existing/new signs shall be in conformance with Sunnyvale Municipal Code.
- B. A separate sign permit is required.

GRAPE AVENUE RETAIL CENTER



69 TOTAL PARKING SPACES

**Combat sports unlimited  
649 grape aver, Sunnyvale ca**

**Combat sports unlimited will be a mixed martial arts  
studio teaching children, adult kickboxing and  
submission wrestling.**

**Hours of operation 3pm-9:15pm m-f  
Sat 9-12am**

**Class hours: 3:15-4:15 children's program  
4:15-5:15 “ “  
5:15-6:15 “ “**

**6:15-7:15 adult kickboxing  
7:15- 8:15 adult submission wrestling  
8:15- 9:15 adult kickboxing  
Saturday 9-12am open gym**